

**RESOLUTION NO. 2021 – 3959**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH MR. GLASS DOORS AND WINDOWS, INC. RELATING TO THE LAWSUIT CAPTIONED *MR. GLASS DOORS & WINDOWS, INC. V. CG3 GROUP, LLC, ET AL.* (MIAMI-DADE COUNTY CASE NO. 2020-018320-CC-25); PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Springs (the “City”) subleased certain real property, located at 501 East Drive, Miami Springs, Florida (“Property”), to the Miami Springs Historical Society, Inc. (the “Society”) on November 3, 2014; and

**WHEREAS**, the Society sought to make improvements to the Property and the City agreed to contribute funds to the Society to assist with the improvements to the Property; and

**WHEREAS**, the City has paid \$43,935.00 to the Society for improvements to the Property; and

**WHEREAS**, the Society entered into a construction contract with CG3 Group, LLC (“CG3”) for improvements to the Property; and

**WHEREAS**, CG3 entered into a contract with Mr. Glass Doors & Windows Inc. (“Mr. Glass”) to supply and install impact and/or non-impact windows and doors at the Property; and

**WHEREAS**, Mr. Glass filed a lawsuit captioned *Mr. Glass Doors & Windows, Inc. v. CG3 Group, LLC et al.*, Miami-Dade County Case No. 2020-018320-CC-25 (the “Lawsuit”), which alleges that CG3 failed to pay Mr. Glass for the work performed by Mr. Glass upon the Property; and

**WHEREAS**, on May 19, 2021, Mr. Glass obtained a default judgment against CG3 in the Lawsuit; and

**WHEREAS**, the City's records reflect a balance on the contract between CG3 and the Society of \$8,215.00; and

**WHEREAS**, in an effort to avoid the uncertainty and expense of continued and protracted litigation, the City finds that it is in the best interest and welfare of the public to enter into a Settlement Agreement, in substantially the form attached hereto as Exhibit "A" (the "Settlement Agreement), with the intent to resolve all claims or potential claims between the City and Mr. Glass, including claims that were or could have been raised in the Lawsuit.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Approving Settlement Agreement.** That the City Council hereby approves the Settlement Agreement in substantially the form attached hereto as Exhibit "A" and authorizes the payment of \$8,215.00 to Mr. Glass.

**Section 3. Authorization.** That the City Manager is authorized to execute the Settlement Agreement in substantially the form attached hereto as Exhibit "A," and all documents deemed necessary to implement the intent of this Resolution, subject to approval by the City Attorney as to form, content, and legal sufficiency, and to take such other action as may be necessary and appropriate to implement the terms of the Settlement Agreement and this Resolution.

**Section 4. Effective Date.** That this Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilman Best who moved its adoption. The motion was seconded by Councilman Vazquez and upon being put to a vote, the vote was as follows:

Vice Mayor Jacky Bravo	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilman Dr. Walter Fajet	<u>YES</u>
Councilman Dr. Victor Vazquez	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>

PASSED AND ADOPTED this 13<sup>th</sup> day of December, 2021.



MARIA PUENTE MITCHELL  
MAYOR

ATTEST:



ERIKA GONZALEZ, MMC  
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY

**EXHIBIT A**

**SETTLEMENT AGREEMENT AND RELEASE  
BETWEEN  
CITY OF MIAMI SPRINGS AND MR. GLASS DOORS AND WINDOWS, INC.**